

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN MURPHY,

Plaintiff,

Case No. 12-cv-13962

v.

HONORABLE STEPHEN J. MURPHY, III

BURKE LANGE, et al.,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION (document no. 20) AND DISMISSING CASE**

This is a civil rights action under 42 U.S.C. § 1983. Plaintiff Steven Murphy brought suit against Defendants Westland Police Officers Burke Lange and Jon Torolski, and the City of Westland, for the events surrounding Murphy's arrest and detention on September 7, 2010. The Court referred all pre-trial proceedings to a U.S. Magistrate Judge for resolution or recommendation. On October 28, 2013, the magistrate judge filed a Report and Recommendation ("Report") suggesting the Court dismiss the case for failure to prosecute. The Report noted that as early as September, Murphy had repeatedly failed to attend scheduled depositions, or interact with his counsel, and that on October 9, 2013, the magistrate judge entered an order to show cause why the case should not be dismissed for lack of prosecution. Having not heard from Murphy, the Report therefore recommends the Court dismiss the case for lack of prosecution.¹

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and

¹ Civil Rule 41 permits a court to dismiss a case for failure to prosecute "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order." Fed. R. Civ. P. 41(b); see *Knoll v. Am. Tel. & Tel. Co.*, 176 F.3d 359, 363 (6th Cir. 1999).

file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion after referring it to a magistrate judge, he is entitled to review the magistrate judge's findings of fact and conclusions of law on his own initiative. *See Thomas v. Arn*, 474 U.S. 140, 154 (1985) (clarifying that while a district court judge need not review a report and recommendation “de novo if no objections are filed, it does not preclude further review by the district judge, sua sponte or at the request of a party, under a de novo or any other standard”).

Because neither party filed objections to the Report, de novo review of the Report's conclusions is not required. Having reviewed the Report's analysis, in light of the record, and in light of Plaintiff's previous failures to respond to court orders and deadlines, the Court finds that its conclusions are factually based and legally sound. Accordingly, the Court will adopt the Report and dismiss the case.

ORDER

WHEREFORE, it is hereby **ORDERED** that the Report and Recommendation (document no. 31) is **ADOPTED**. This case is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: November 26, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 26, 2013, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager